

<sup>1</sup> Appellant retired from federal service effective May 29, 2017.

had not submitted a statement outlining the details of work activities believed to have caused or contributed to her condition, and as such, she had not provided a factual basis to support her claim.

On May 27, 2021 appellant requested reconsideration. With her request, she submitted a narrative statement dated April 12, 2021 in which she described work incidents alleged to have caused her emotional conditions.

OWCP also received a May 24, 2021 attending physician's report (Form CA-20) from Dr. Rubin Moore, a psychiatrist. Dr. Moore noted that appellant's interactions with a previous supervisor caused anxiety, panic, depression, insomnia and tension. He diagnosed generalized anxiety disorder and unspecified depressive disorder and indicated by check mark that the diagnosis was caused by the alleged employment factors.

By decision dated August 24, 2021, modified the July 30, 2020 decision to find that appellant had established that the claimed work factors occurred as alleged. However, the claim remained denied as the medical evidence of record was insufficient to establish causal relationship between her diagnosed emotional conditions and factors of her federal employment.

The Board finds that the case is not in posture for decision.

In cases involving emotional conditions, the Board has held that, when working conditions are alleged as factors causing a condition or disability, OWCP, as part of its adjudicatory function, must make findings of fact regarding which working conditions are deemed compensable factors of employment and are to be considered by a physician when providing an opinion on causal relationship and which working conditions are not deemed factors of employment and may not be considered.<sup>2</sup> The August 24, 2021 decision of OWCP fails to identify any of the specific allegations made by appellant or explain whether any of the allegations constitute compensable work factors. It is not appropriate to base the decision on the medical evidence until it is properly determined that compensable work factors have been established.<sup>3</sup>

The case will be remanded for proper findings of fact with regard to whether the alleged employment factors constitute compensable employment factors. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.

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<sup>2</sup> See *C.B.*, Docket No. 11-1482 (issued January 12, 2012); *Norma L. Blank*, 43 ECAB 389 (1992).

<sup>3</sup> *Id.*

**IT IS HEREBY ORDERED THAT** the August 24, 2021 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this order of the Board.

Issued: April 26, 2022  
Washington, DC

Alec J. Koromilas, Chief Judge  
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge  
Employees' Compensation Appeals Board

Janice B. Askin, Judge  
Employees' Compensation Appeals Board